



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/711,566	09/24/2004	Glenn Meeckma	27475/06899	5565

24024 7590 02/24/2006

CALFEE HALTER & GRISWOLD, LLP
800 SUPERIOR AVENUE
SUITE 1400
CLEVELAND, OH 44114

EXAMINER

SCHRODE, WILLIAM THOMAS

ART UNIT PAPER NUMBER

3676

DATE MAILED: 02/24/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/711,566

Applicant(s)

MEEKMA ET AL.

Examiner

William Schrode

Art Unit

3676

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 24 September 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-34 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-34 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>3/29/2005</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Objections

Claim 32 is objected to because of the following informalities: In regard to claim 32, the scope of the claim is unclear because the wording is confusing. The examiner is unclear about the seventh line, "a knob for actuating said knob". As "best understood" the examiner will examine the claim to mean a knob actuating the cam, until further corrections are made. Appropriate correction is required.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-2, 4, 6-9, 11-17, 19-22, 24-26, 28-34 are rejected under 35 U.S.C. 103(a) as being obvious over Burmesch et al. (2003/0046852) in view of Yang (2004/0011098).

The applied reference has a common inventor with the instant application. Based upon the earlier effective U.S. filing date of the reference, it constitutes prior art only under 35 U.S.C. 102(e). This rejection under 35 U.S.C. 103(a) might be overcome by: (1) a showing under 37 CFR 1.132 that any invention disclosed but not claimed in the reference was derived from the inventor of this application and is thus not an invention "by another"; (2) a showing of a date of invention for the claimed subject

Art Unit: 3676

matter of the application which corresponds to subject matter disclosed but not claimed in the reference, prior to the effective U.S. filing date of the reference under 37 CFR 1.131; or (3) an oath or declaration under 37 CFR 1.130 stating that the application and reference are currently owned by the same party and that the inventor named in the application is the prior inventor under 35 U.S.C. 104, together with a terminal disclaimer in accordance with 37 CFR 1.321(c). This rejection might also be overcome by showing that the reference is disqualified under 35 U.S.C. 103(c) as prior art in a rejection under 35 U.S.C. 103(a). See MPEP § 706.02(l)(1) and § 706.02(l)(2).

In regard to claims 1 and 34, Burmesch teaches a cable lock comprising: a flexible cable (60); a lock body (304) including a passageway therethrough (40); and a locking mechanism including a lever arm (340), wherein the lever arm cause a locking member (360) to move into and out of engagement with the flexible cable when the flexible cable is inserted into the passageway.

Burmesch fails to teach a combination lock mechanism including a set of combination dials.

Yang shows that it is known in the art to construct a dual lock mechanism having a lock cylinder and a combination lock (3) having a plurality of combination dials (31). It would have been obvious to one having ordinary skill at the time of the invention to construct a cable lock comprising a dual lock mechanism as taught by Yang, since such a modification would provide a backup unlocking means if the user forgets their key.

In regard to claim 2, Burmesch in view of Yang teach the claimed cable lock, wherein Burmesch teaches the lever arm allows the locking member to move into and

Art Unit: 3676

out of three positions: an unlocking position, wherein the cable can be inserted into and removed from the passageway; an cinch position, wherein the cable can only be inserted into the passageway; and a locked position, wherein the cable can not be inserted or removed from the passageway.

In regard to claim 4, Burmesch in view of Yang teach the claimed cable lock, wherein Yang teaches a rotatable knob (11).

In regard to claim 11, Burmesch in view of Yang teach the claimed cable lock, wherein Burmesch teaches the locking member includes a rotatable cam (362) and a locking clamp (109).

In regard to claim 12, Burmesch in view of Yang teach the claimed cable lock, wherein Burmesch teaches the locking clamp slides along a sloped surface in order to engage and disengage the cable.

In regard to claim 15, 28, 32 and 34, Burmesch teaches a cable lock comprising: a flexible cable (60); a lock body (304) including a passageway therethrough (40); and a lock mechanism, wherein the lock mechanism comprises: a rotatable cam (340); a shaft selectively engageable with the cam (47); and a pivotable clamp located at one end of the cable (30).

Burmesch fails to teach a lock mechanism comprising: a set of combination dials having an unlocking combination connected a corresponding set of hubs; a rotatable cam; a knob connected to the cam; and a shaft selectively engageable with the cam; wherein the cam rotates to provide an unlocking position only when the set of combination dials are manipulated to the unlocking combination; a reset button that

Art Unit: 3676

disengages the set of combination dials from the corresponding set of hubs, thereby allowing the combination to be set.

Yang shows that it is known in the art to construct a dual lock mechanism having a lock mechanism, wherein the lock mechanism comprises: a set of combination dials (31) having an unlocking combination connected a corresponding set of hubs (32); a rotatable cam (14); a knob connected to the cam (11); and a shaft (13) selectively engageable with the cam; wherein the cam rotates to provide an unlocking position only when the set of combination dials are manipulated to the unlocking combination; a reset button (8) that disengages the set of combination dials from the corresponding set of hubs, thereby allowing the combination to be set.

It would have been obvious to one having ordinary skill at the time of the invention to construct a cable lock comprising a dual lock mechanism as taught by Yang, since such a modification would provide a backup unlocking means if the user forgets their key.

In regard to claim 16, Burmesch in view of Yang teach the claimed cable lock, wherein Burmesch teaches the cam rotates to engage and disengage a locking clamp (360), wherein the locking clamp engages the cable in the passageway when the cam disengages the locking clamp.

In regard to claims 17 and 31, Burmesch in view of Yang teach the claimed cable lock, wherein Burmesch teaches the cable lock includes three positions: an unlocking position, wherein the cable can be inserted into and removed from the passageway; an cinch position, wherein the cable can only be inserted into the passageway; and a

Art Unit: 3676

locked position, wherein the cable can not be inserted or removed from the passageway.

In regard to claims 6, 7, 19 and 20, Burmesch in view of Yang teach the claimed cable lock, wherein Yang teaches the combination lock mechanism includes a reset feature allowing new combinations to be set; wherein the reset feature includes a reset button (8) located on a portion of the lock body.

In regard to claims 8 and 21, Burmesch in view of Yang teach the claimed cable lock, wherein Yang teaches at least one of the set of combination dials includes a shoulder (311) that prevents access between the at least one of the set of combination dials and the lock body.

In regard to claims 9 and 22, Burmesch in view of Yang teaches the claimed cable lock above. Burmesch fails to teach the lock body includes indication features that indicate which direction the cable is to be inserted into the passageway. Although Burmesch fails to teach the indication feature, indicia are well known in the art. It would have been obvious to one having ordinary skill to place indicia on the lock body to provide instructions and prevent a user from misusing the lock.

In regard to claims 13, 24 and 29, Burmesch in view of Yang teach the claimed cable lock, wherein Burmesch teaches a pivotable clamp (360) located at one end of the cable.

In regard to claims 14 and 26, Burmesch in view of Yang teach the claimed cable lock, wherein Yang teaches a protective covering (72) selectively covers the set of combination dials.

Art Unit: 3676

In regard to claims 25, 30 and 33, Burmesch in view of Yang teach the claimed cable lock, wherein Burmesch teaches the pivotable clamp include a detent mechanism (109) that secures the pivotable clamp in a predefined orientation.

Claims 5 and 27 are rejected under 35 U.S.C. 103(a) as being obvious over Burmesch et al. in view of Yang in further view of Resch et al. (5,611,225).

The applied reference has a common inventor with the instant application. Based upon the earlier effective U.S. filing date of the reference, it constitutes prior art only under 35 U.S.C. 102(e). This rejection under 35 U.S.C. 103(a) might be overcome by: (1) a showing under 37 CFR 1.132 that any invention disclosed but not claimed in the reference was derived from the inventor of this application and is thus not an invention "by another"; (2) a showing of a date of invention for the claimed subject matter of the application which corresponds to subject matter disclosed but not claimed in the reference, prior to the effective U.S. filing date of the reference under 37 CFR 1.131; or (3) an oath or declaration under 37 CFR 1.130 stating that the application and reference are currently owned by the same party and that the inventor named in the application is the prior inventor under 35 U.S.C. 104, together with a terminal disclaimer in accordance with 37 CFR 1.321(c). This rejection might also be overcome by showing that the reference is disqualified under 35 U.S.C. 103(c) as prior art in a rejection under 35 U.S.C. 103(a). See MPEP § 706.02(I)(1) and § 706.02(I)(2).

In regard to claims 5, Burmesch in view of Yang teach the claimed cable lock. Burmesch fails to teach the knob includes a breakable portion that will disengage the knob from the lever arm when sufficient force is applied to the knob.

Art Unit: 3676

Resch shows that it is known in the art to construct a knob (74) including a breakable portion (66) that will disengage the knob from the lever arm when sufficient force is applied to the knob.

It would have been obvious to one of ordinary skill in the art at the time of the invention to construct a knob with a breakable portion as taught by Resch, since such a modification increases security if the knob is being tampered with.

In regard to claim 27, as claimed above Burmesch in view of Yang teaches the claimed cable lock comprising: a flexible cable; a lock body including a passageway therethrough; and a lock mechanism, wherein the lock mechanism comprises: a set of combination dials; a rotatable cam; a knob; and a connecting member connecting the cam with the knob. Burmesch in view of Yang fails to teach the connecting member is breakable such that the knob will disconnect from the cam when sufficient force is applied to the knob.

Resch shows that it is known in the art to construct a knob (74) including a breakable portion (66) that will disengage the knob from the lever arm when sufficient force is applied to the knob.

It would have been obvious to one of ordinary skill in the art at the time of the invention to construct a knob with a breakable portion as taught by Resch, since such a modification increases security if the knob is being tampered with.

In regard to claims 3 and 18 are rejected under 35 U.S.C. 103(a) as being obvious over Burmesch et al. in view of Yang in further view of Officer (5,791,170).

The applied reference has a common inventor with the instant application. Based upon the earlier effective U.S. filing date of the reference, it constitutes prior art only under 35 U.S.C. 102(e). This rejection under 35 U.S.C. 103(a) might be overcome by: (1) a showing under 37 CFR 1.132 that any invention disclosed but not claimed in the reference was derived from the inventor of this application and is thus not an invention "by another"; (2) a showing of a date of invention for the claimed subject matter of the application which corresponds to subject matter disclosed but not claimed in the reference, prior to the effective U.S. filing date of the reference under 37 CFR 1.131; or (3) an oath or declaration under 37 CFR 1.130 stating that the application and reference are currently owned by the same party and that the inventor named in the application is the prior inventor under 35 U.S.C. 104, together with a terminal disclaimer in accordance with 37 CFR 1.321(c). This rejection might also be overcome by showing that the reference is disqualified under 35 U.S.C. 103(c) as prior art in a rejection under 35 U.S.C. 103(a). See MPEP § 706.02(I)(1) and § 706.02(I)(2).

In regard to claim 3 and 18, Burmesch in view of Yang teaches the claimed cable lock above. Burmesch fails to teach the cable includes an end fixably secured to the lock body.

Officer shows that it is known in the art to construct a cable lock including a cable (42) having a fixed end (46) secured to the lock body (10). It would have been obvious to one having ordinary skill in the art at the time of the invention to construct a cable lock including a cable having a fixed end secured to the lock body as taught by Officer,

since such a modification is well known in the art to vary the length of the cable entering the lock.

Allowable Subject Matter

Claims 10 and 23 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

In regard to claims 10 and 22, the prior art of record doesn't teach a cable lock comprising a spring member located within the passageway that allows the cable to be inserted into the passageway. It would not be obvious to modify Burmesch in view of Yang because any modification would be hindsight.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Burmesch et al., Officer, Yang, Meekma et al., Resch et al., Yu, Kirk, Steinbach.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to William Schrode whose telephone number is (571)272-1647. The examiner can normally be reached on Mon-Fri 9AM-6:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Brian Glessner can be reached on (571)272-6843. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 3676

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

WS
02/10/2006



BRIAN E. GLESSNER
SUPERVISORY PATENT EXAMINER